

10584. Misbranding of alimentary paste. U. S. * * * v. 24 Cases of Alimentary Paste. Default decree ordering destruction of the product. (F. & D. No. 15039. I. S. No. 10881-t. S. No. W-975.)

On or about July 6, 1921, the United States attorney for the District of Nevada, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 24 cases of alimentary paste, at Reno, Nev., alleging that the article had been shipped by the Columbus Mercantile Co., San Francisco, Calif., on or about March 28, 1921, and transported from the State of California into the State of Nevada, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Quality Columbus Flour Macaroni * * *."

Misbranding of the article was alleged in substance in the libel for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of each case, in that the quantity stated thereon was not the correct amount contained in said cases.

On November 20, 1921, no claimant having appeared for the property, judgment of the court was entered ordering that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10585. Adulteration and misbranding of oranges. U. S. * * * v. 396 Boxes of Oranges * * *. Decree ordering release of the product under bond, to be reconditioned. (F. & D. No. 15783. I. S. No. 11249-t. S. No. W-1056.)

On March 17, 1922, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 396 boxes of oranges, at Seattle, Wash., alleging that the article had been shipped by the Fred R. Bright Co., from Los Angeles, Calif., on or about March 6, 1922, and transported from the State of California into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Net Count 216 Pine Rock Brand C. C. A. Packing Co., Los Angeles, Calif."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

Misbranding was alleged for the reason that the article was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 20, 1922, the Fred R. Bright Co., Los Angeles, Calif., claimant, having agreed to recondition the product under the supervision of this department and to pay the costs of the proceedings, and having filed a bond in the sum of \$500, in conformity with section 10 of the act, judgment of the court was entered ordering that the product be delivered to the said claimant.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10586. Adulteration of oranges. U. S. * * * v. 462 Boxes * * * of Oranges. Decree entered ordering release of product under bond and providing, by consent of claimant, for condemnation and destruction of portion unfit for food. (F. & D. No. 15972. I. S. No. 4342-t. S. No. C-3427.)

On February 6, 1922, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 462 boxes of oranges, consigned January 22, 1922, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Fay Fruit Co., from Upland, Calif., and transported from the State of California into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Fox Brand Trade Mark * * * Associated Orange Distributors, California." The remainder of the article was labeled in part: "Trophy Brand Trade Mark * * * Fay Fruit Co., California."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in large part of a filthy, decomposed, and putrid vegetable substance.

On February 11, 1922, the Fay Fruit Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree for